

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3823 of 1982

Date of decision: 10-11-1997

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

THE CENTRAL PULP MILLS LTD.

Versus

UNION OF INDIA

Appearance:

MR D. G. Shukla for Petitioner

None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 10/11/97

ORAL JUDGEMENT

Heard the learned counsel for the petitioner.

Mr. Shukla, learned counsel for the petitioner
admits that the order impugned in this special civil

application is passed by the second respondent under section 14-B of the Employees Provident Fund and Miscellaneous Provisions Act, 1952. Copy of this order is on record of this special civil application at annexure-A. The day on which this order was passed the petitioner was not having any alternative remedy of appeal against the impugned order. But during the pendency of the special civil application, in exercise of the powers conferred under section 7-D of the said Act the Central Government has already constituted a Tribunal to hear the appeals. Under section 7-I of the said Act the order of respondent No.2 passed under section 14-B of the said Act is appealable.

2. As the petitioner has right of appeal against the impugned order this special civil application is not maintainable. Only on the ground that the petitioner has now alternative remedy available against the impugned order this special civil application is dismissed. In case the petitioner prefers appeal before the appellate authority against the impugned order within a period of two months from today it is expected of the appellate Tribunal not to dismiss the same only on the ground of limitation, but shall decide the same on merits. It is further ordered that for two months from today the interim relief which has been granted by this court in this case shall continue. Thereafter the Tribunal shall consider the matter of continuation of interim relief or of vacation thereof in accordance with law. It is made clear that while dealing with this question of extension or vacation of interim relief granted by this court, the Tribunal will not be influenced by the fact that this court has protected the petitioner. Subject to the aforesaid observations and directions, rule discharged. No order as to costs.

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